



General Assembly

January Session, 2013

***Raised Bill No. 1007***

LCO No. 3768



Referred to Committee on COMMERCE

Introduced by:  
(CE)

***AN ACT CONCERNING REVISIONS TO THE PAID SICK LEAVE  
STATUTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-57r of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 As used in this section and sections 31-57s to 31-57w, inclusive:

4 (1) "Child" means a biological, adopted or foster child, stepchild,  
5 legal ward of a service worker, or a child of a service worker standing  
6 in loco parentis, who is (A) under eighteen years of age; or (B) eighteen  
7 years of age or older and incapable of self-care because of a mental or  
8 physical disability;

9 (2) "Day or temporary worker" means an individual who performs  
10 work for another on (A) a per diem basis, or (B) an occasional or  
11 irregular basis for only the time required to complete such work,  
12 whether such individual is paid by the person for whom such work is  
13 performed or by an employment agency or temporary help service, as

14 defined in section 31-129;

15 (3) "Employee" means an individual engaged in service to an  
16 employer in the business of the employer;

17 (4) "Employer" means any person, firm, business, educational  
18 institution, nonprofit agency, corporation, limited liability company or  
19 other entity that employs fifty or more individuals in the state, [in any  
20 one quarter in the previous year,] which shall be determined [on  
21 January first, annually. Such determination shall be made based upon  
22 the wage information submitted to the Labor Commissioner by the  
23 employer pursuant to subsection (j) of section 31-225a] based on the  
24 employer's payroll for the week containing October first, annually.  
25 "Employer" does not include: (A) Any business [establishment  
26 classified in] classified under sector 31, 32 or 33 in the North American  
27 Industrial Classification System, or (B) any nationally chartered  
28 organization exempt from taxation under Section 501(c)(3) of the  
29 Internal Revenue Code of 1986, or any subsequent corresponding  
30 internal revenue code of the United States, as from time to time  
31 amended, that provides all of the following services: Recreation, child  
32 care and education;

33 (5) "Family violence" has the same meaning as provided in section  
34 46b-38a;

35 (6) "Retaliatory personnel action" means any termination,  
36 suspension, constructive discharge, demotion, unfavorable  
37 reassignment, refusal to promote, disciplinary action or other adverse  
38 employment action taken by an employer against an employee or a  
39 service worker;

40 (7) "Service worker" means an employee primarily engaged in an  
41 occupation with one of the following broad or detailed occupation  
42 code numbers and titles, as defined by the federal Bureau of Labor  
43 Statistics Standard Occupational Classification system or any successor  
44 system: (A) 11-9050 Food Service Managers; (B) 11-9110 Medical and

45 Health Services Managers; (C) 21-1020 Social Workers; (D) 21-1093  
46 Social and Human Service Assistants; (E) 21-1094 Community Health  
47 Workers; (F) 21-1099 Community and Social Service Specialists, All  
48 Other; (G) 25-4020 Librarians; (H) 29-1050 Pharmacists; (I) 29-1070  
49 Physician Assistants; (J) 29-1120 Therapists; (K) 29-1140 Registered  
50 Nurses; (L) 29-1150 Nurse Anesthetists; (M) 29-1160 Nurse Midwives;  
51 (N) 29-1170 Nurse Practitioners; (O) 29-2020 Dental Hygienists; (P) 29-  
52 2040 Emergency Medical Technicians and Paramedics; (Q) 29-2050  
53 Health Practitioner Support Technologists and Technicians; (R) 29-2060  
54 Licensed Practical and Licensed Vocational Nurses; (S) 31-1011 Home  
55 Health Aides; (T) 31-1012 Nursing Aides, Orderlies and Attendants;  
56 (U) 31-1013 Psychiatric Aides; (V) 31-9091 Dental Assistants; (W) 31-  
57 9092 Medical Assistants; (X) 33-9032 Security Guards; (Y) 33-9091  
58 Crossing Guards; (Z) 35-1010 Supervisors of Food Preparation and  
59 Serving Workers; (AA) 35-2010 Cooks; (BB) 35-2020 Food Preparation  
60 Workers; (CC) 35-3010 Bartenders; (DD) 35-3020 Fast Food and  
61 Counter Workers; (EE) 35-3030 Waiters and Waitresses; (FF) 35-3040  
62 Food Servers, Nonrestaurant; (GG) 35-9010 Dining Room and Cafeteria  
63 Attendants and Bartender Helpers; (HH) 35-9020 Dishwashers; (II) 35-  
64 9030 Hosts and Hostesses, Restaurant, Lounge and Coffee Shop; (JJ)  
65 35-9090 Miscellaneous Food Preparation and Serving Related Workers;  
66 (KK) 37-2011 Janitors and Cleaners, Except Maids and Housekeeping  
67 Cleaners; (LL) 37-2019 Building Cleaning Workers, All Other; (MM)  
68 39-3030 Ushers, Lobby Attendants and Ticket Takers; (NN) 39-5010  
69 Barbers, Hairdressers, Hairstylists and Cosmetologists; (OO) 39-6010  
70 Baggage Porters, Bellhops and Concierges; (PP) 39-9010 Child Care  
71 Workers; (QQ) 39-9021 Personal Care Aides; (RR) 41-1010 First-Line  
72 Supervisors of Sales Workers; (SS) 41-2011 Cashiers; (TT) 41-2021  
73 Counter and Rental Clerks; (UU) 41-2030 Retail Salespersons; (VV) 43-  
74 3070 Tellers; (WW) 43-4080 Hotel, Motel and Resort Desk Clerks; (XX)  
75 43-4170 Receptionists and Information Clerks; (YY) 43-5020 Couriers  
76 and Messengers; (ZZ) 43-6010 Secretaries and Administrative  
77 Assistants; (AAA) 43-9010 Computer Operators; (BBB) 43-9020 Data  
78 Entry and Information Processing Workers; (CCC) 43-9030 Desktop

79 Publishers; (DDD) 43-9040 Insurance Claims and Policy Processing  
80 Clerks; (EEE) 43-9050 Mail Clerks and Mail Machine Operators, Except  
81 Postal Service; (FFF) 43-9060 Office Clerks, General; (GGG) 43-9070  
82 Office Machine Operators, Except Computer; (HHH) 43-9080  
83 Proofreaders and Copy Markers; (III) 43-9110 Statistical Assistants; (JJJ)  
84 43-9190 Miscellaneous Office and Administrative Support Workers;  
85 (KKK) 51-3010 Bakers; (LLL) 51-3020 Butchers and Other Meat, Poultry  
86 and Fish Processing Workers; (MMM) 51-3090 Miscellaneous Food  
87 Processing Workers; (NNN) 53-3010 Ambulance Drivers and  
88 Attendants, Except Emergency Medical Technicians; (OOO) 53-3020  
89 Bus Drivers; or (PPP) 53-3040 Taxi Drivers and Chauffeurs, and is (i)  
90 paid on an hourly basis, or (ii) not exempt from the minimum wage  
91 and overtime compensation requirements of the Fair Labor Standards  
92 Act of 1938 and the regulations promulgated thereunder, as amended  
93 from time to time. "Service worker" does not include day or temporary  
94 workers;

95 (8) "Sexual assault" means any act that constitutes a violation of  
96 section 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b or 53a-73a;  
97 and

98 (9) "Spouse" means a husband or wife, as the case may be.

99 Sec. 2. Section 31-57s of the general statutes is repealed and the  
100 following is substituted in lieu thereof (*Effective October 1, 2013*):

101 (a) Each employer shall provide paid sick leave annually to each of  
102 such employer's service workers in the state. Such paid sick leave shall  
103 accrue (1) beginning January 1, 2012, or for a service worker hired after  
104 said date, beginning on the service worker's date of employment, (2) at  
105 a rate of one hour of paid sick leave for each forty hours worked by a  
106 service worker, and (3) in one-hour increments up to a maximum of  
107 forty hours per calendar or fiscal year. Each service worker shall be  
108 entitled to carry over up to forty unused accrued hours of paid sick  
109 leave from the current calendar or fiscal year to the following calendar

110 or fiscal year, but no service worker shall be entitled to use more than  
111 the maximum number of accrued hours, as described in subdivision  
112 (3) of this subsection, in any year.

113 (b) A service worker shall be entitled to the use of accrued paid sick  
114 leave upon the completion of the service worker's six-hundred-  
115 eightieth hour of employment from January 1, 2012, if the service  
116 worker was hired prior to January 1, 2012, or if hired after January 1,  
117 2012, upon the completion of the service worker's six-hundred-  
118 eightieth hour of employment from the date of hire, unless the  
119 employer agrees to an earlier date. A service worker shall not be  
120 entitled to the use of accrued paid sick leave if such service worker did  
121 not work an average of ten or more hours [a] per week for the  
122 employer in the most recent complete [calendar] quarter.

123 (c) An employer shall be deemed to be in compliance with this  
124 section if the employer offers any other paid leave, or combination of  
125 other paid leave that (1) may be used for the purposes of section 31-57t,  
126 as amended by this act, and (2) is accrued in total at a rate equal to or  
127 greater than the rate described in subsections (a) and (b) of this section.  
128 For the purposes of this subsection, "other paid leave" may include, but  
129 not be limited to, paid vacation, personal days or paid time off.

130 (d) Each employer shall pay each service worker for paid sick leave  
131 at a pay rate equal to the greater of either (1) the normal hourly wage  
132 for that service worker, or (2) the minimum fair wage rate under  
133 section 31-58 in effect for the pay period during which the employee  
134 used paid sick leave. For any service worker whose hourly wage varies  
135 depending on the work performed by the service worker, the "normal  
136 hourly wage" shall mean the average hourly wage of the service  
137 worker in the pay period prior to the one in which the service worker  
138 used paid sick leave.

139 (e) Notwithstanding the provisions of this section and sections 31-  
140 57t to 31-57w, inclusive, as amended by this act, and upon the mutual

141 consent of the service worker and employer, a service worker who  
142 chooses to work additional hours or shifts during the same or  
143 following pay period, in lieu of hours or shifts missed, shall not use  
144 accrued paid sick leave.

145 Sec. 3. Subsection (b) of section 31-57t of the general statutes is  
146 repealed and the following is substituted in lieu thereof (*Effective*  
147 *October 1, 2013*):

148 (b) If a service worker's need to use paid sick leave is foreseeable, an  
149 employer may require advance notice, not to exceed seven days prior  
150 to the date such leave is to begin, of the intention to use such leave. If a  
151 service worker's need for such leave is not foreseeable, an employer  
152 may require a service worker to give notice of such intention as soon as  
153 practicable. [For] If (1) an employer reasonably believes that a service  
154 worker is engaged in a pattern of intermittent paid sick leave use for  
155 any purpose other than those permitted under subsection (a) of this  
156 section, or (2) a service worker requests or uses paid sick leave of three  
157 or more consecutive days, an employer may require reasonable  
158 documentation that such leave is being taken for [the purpose] one of  
159 the purposes permitted under subsection (a) of this section. If such  
160 leave is permitted under subdivision (1) or (2) of subsection (a) of this  
161 section, documentation signed by a health care provider who is  
162 treating the service worker or the service worker's child or spouse  
163 indicating the need for the number of days of such leave shall be  
164 considered reasonable documentation. If such leave is permitted under  
165 subdivision (3) of subsection (a) of this section, a court record or  
166 documentation signed by a service worker or volunteer working for a  
167 victim services organization, an attorney, a police officer or other  
168 counselor involved with the service worker shall be considered  
169 reasonable documentation.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>October 1, 2013</i>	31-57r
Sec. 2	<i>October 1, 2013</i>	31-57s
Sec. 3	<i>October 1, 2013</i>	31-57t(b)

***Statement of Purpose:***

To (1) clarify that all manufacturers are exempt from the paid sick leave law, (2) allow employers to administer paid sick leave on the same annual basis as other benefits, (3) allow employers to determine their number of employees in the same manner as for the purposes of the state's Family and Medical Leave Act, and (4) allow employers to require documentation in the case of a pattern of abusive sick leave usage.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*